



General Assembly

January Session, 2015

***Raised Bill No. 6734***

LCO No. 3255



Referred to Committee on INSURANCE AND REAL ESTATE

Introduced by:  
(INS)

***AN ACT CONCERNING SURETY BAIL BOND AGENTS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (b) of section 38a-660c of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective*  
3 *October 1, 2015*):

4 (b) If a surety bail bond agent enters into a premium financing  
5 arrangement, such agent shall require (1) the principal on the bail bond  
6 or any indemnitor to make a minimum down payment of [thirty-five]  
7 fifty per cent of the premium due, at the premium rate approved by  
8 the commissioner pursuant to chapter 701, and (2) the principal and  
9 any indemnitor to execute a promissory note for the balance of the  
10 premium due. Such promissory note shall provide that such balance  
11 shall be paid not later than fifteen months after the date of the  
12 execution of the bail bond. If such balance has not been paid in full to  
13 the surety bail bond agent by the due date or a payment due under  
14 such arrangement is more than sixty days in arrears, such agent [shall]  
15 may file a civil action seeking appropriate relief with the court not later  
16 than seventy-five days after such due date or may apply to a judge of

17 the Superior Court in writing to be released from the bond as set forth  
18 in section 54-65, as amended by this act. The surety bail bond agent  
19 shall make a diligent effort to obtain judgment after filing such  
20 [complaint] action on such promissory note unless good cause is  
21 shown for [failure to obtain judgment] failing to do so, including, but  
22 not limited to, the filing for bankruptcy by the principal or the  
23 indemnitor or failure to serve process despite good faith efforts.

24 Sec. 2. Section 54-65 of the general statutes is repealed and the  
25 following is substituted in lieu thereof (*Effective October 1, 2015*):

26 (a) (1) Any surety in a recognizance in criminal proceedings, who  
27 believes that such surety's principal intends to abscond, shall apply to  
28 a judge of the Superior Court, produce such surety's bail bond or  
29 evidence of being a surety, and verify the reason of such surety's  
30 application by oath or otherwise. Thereupon, the judge shall  
31 immediately grant a mittimus, directed to a proper officer or  
32 indifferent person, commanding such officer or indifferent person  
33 immediately to arrest the principal and commit the principal to a  
34 community correctional center. The Community Correctional Center  
35 Administrator shall receive the principal and retain the principal in a  
36 community correctional center until discharged by due order of law.  
37 The surrender of the principal shall be a full discharge of the surety  
38 upon such surety's bond or recognizance.

39 ~~[(b)]~~ (2) If the principal of a surety in a recognizance in criminal  
40 proceedings absconds, such surety may apply, prior to six months  
41 after the date the bond is ordered forfeited, to a judge of the Superior  
42 Court to be released from such bond. The judge may release such  
43 surety from such bond for good cause shown.

44 (b) Any surety bail bond agent in a recognizance in criminal  
45 proceedings, whose principal has failed to pay in full the balance of the  
46 promissory note executed pursuant to subsection (b) of section 38a-  
47 660c, as amended by this act, by the due date or for which payment

48 due under the premium financing arrangement is more than sixty days  
49 in arrears, may apply to a judge of the Superior Court in writing to be  
50 released from the bond. The judge may release the surety bail bond  
51 agent from such bond upon demonstration by such agent that the  
52 agent has made a diligent effort to collect such balance or payment  
53 due, or for good cause shown.

54 Sec. 3. Subsection (k) of section 38a-660 of the general statutes is  
55 repealed and the following is substituted in lieu thereof (*Effective*  
56 *October 1, 2015*):

57 (k) (1) (A) To further the enforcement of this section and sections  
58 38a-660b to 38a-660m, inclusive, as amended by this act, and to  
59 determine the eligibility of any licensee, the commissioner may, as  
60 often as the commissioner deems necessary, examine the books and  
61 records of any such licensee. Each person licensed as a surety bail bond  
62 agent in this state shall, on or before January thirty-first, annually, pay  
63 to the commissioner a fee of four hundred fifty dollars to cover the cost  
64 of examinations under this subsection.

65 (B) If such person fails to pay such fee on or before January thirty-  
66 first, annually, the license of such person shall automatically expire on  
67 the February first immediately following. The commissioner shall  
68 timely notify, annually, each person licensed as a surety bail bond  
69 agent in this state about such automatic expiration provision.

70 (C) The commissioner may adopt regulations, in accordance with  
71 the provisions of chapter 54, to establish provisions to govern the  
72 reinstatement of a surety bail bond agent license that has automatically  
73 expired, including, but not limited to, the time period after such  
74 expiration within which a person may request reinstatement and the  
75 imposition of a late fee.

76 (2) The fees received by the commissioner pursuant to subdivision  
77 (1) of this subsection shall be dedicated to conducting the examinations  
78 under said subdivision (1) and shall be deposited in the account

79 established under subdivision (3) of this subsection.

80 (3) There is established an account to be known as the "surety bail  
81 bond agent examination account", which shall be a separate,  
82 nonlapsing account within the Insurance Fund established under  
83 section 38a-52a. The account shall contain any moneys required by law  
84 to be deposited in the account and any such moneys remaining in the  
85 account at the [close of the fiscal] end of each calendar year shall be  
86 transferred to the General Fund.

87 Sec. 4. Section 38a-660m of the general statutes is repealed and the  
88 following is substituted in lieu thereof (*Effective October 1, 2015*):

89 (a) The commissioner shall adopt regulations, in accordance with  
90 the provisions of chapter 54, to establish continuing education  
91 requirements for surety bail bond agents. Such regulations shall  
92 include, but need not be limited to, the number of hours required for  
93 and the time period for completion of such continuing education  
94 requirements, the subjects to be covered by any training courses and  
95 the method by which such courses may be delivered. The  
96 commissioner shall approve the content of the courses to be taught and  
97 the schools or facilities at which such courses will be taught.

98 (b) The commissioner may adopt regulations, in accordance with  
99 the provisions of chapter 54, to implement the provisions of section  
100 38a-660, as amended by this act, and sections 38a-660b to 38a-660k,  
101 inclusive.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2015</i>	38a-660c(b)
Sec. 2	<i>October 1, 2015</i>	54-65
Sec. 3	<i>October 1, 2015</i>	38a-660(k)
Sec. 4	<i>October 1, 2015</i>	38a-660m

**Statement of Purpose:**

To (1) increase the minimum down payment required from a principal or indemnitor for a bail bond premium financing agreement with a surety bail bond agent, (2) make permissive the filing of a civil action for appropriate relief and permit a surety bail bond agent to apply to the Superior Court to be released from a bond when the balance of the promissory note has not been paid in full by the due date or a payment due is more than sixty days in arrears, (3) permit a judge to whom such application has been made to release the surety bail bond agent from such bond upon demonstration of diligent effort by such agent to collect such balance or payment due or for good cause shown, (4) impose an automatic cancellation of a surety bail bond agent's license if such agent has not paid the annual examination fee by January thirty-first, and (5) require the Insurance Commissioner to adopt regulations to establish continuing education requirements for surety bail bond agents.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*